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| 09/267,398 | 03/15/1999 | MASAHIRO SHIOJI | 990264 | 6994 |
| 23850 | 7590 | 02/08/2005 | EXAMINER | |
| ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP 1725 K STREET, NW SUITE 1000 WASHINGTON, DC 20006 | | | WHIPKEY, JASON T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2612 | |

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 09/267,398 | Applicant(s) SHIOJI ET AL. | |
| | Examiner Jason T. Whipkey | Art Unit 2612 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 14-19 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22 is/are allowed.
- 6) ☒ Claim(s) 1-13, 20 and 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed September 9, 2004, with regard to the rejections over Kato in view of Takemura have been fully considered but they are not persuasive.

Applicant has amended independent claims 1 and 20 and argues that in the Takemura reference, “[t]he size, shape, and position on the frame are defined by just setting the upper left point and the lower right point” (see page 12, paragraph 2). According to Applicant, this differs from the instant application, which discloses that “the size and shape are defined by setting the upper left point and the lower right point. However, the position on the frame is set separately” (see page 12, paragraph 3).

The examiner believes these are mischaracterizations of the Takemura reference and the disclosure.

Page 8 of the specification and figures 5A-5D of the instant application describe how vertical line L1 and horizontal line L2 are adjusted to create first point P1. Next, vertical line L3 and horizontal line L4 are adjusted to create second point P2. After points P1 and P2 have been set, the resulting frame is moved to a desired position. Other than point P1 being above and to the right of point P2, no further restrictions on the movement of lines L1-L4 are disclosed. Consequently, logic dictates that a frame of a constant size could necessarily be located anywhere on the screen. Applicant actually shows this in figures 5A-5C; frame F's initial position is not vertically centered on LCD 10.

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The Takemura reference discloses a similar method of specifying points. Figure 7 — like figures 5A-5C of the instant application — shows an off-center designation of points delimiting area 25.

The Kato reference similarly discloses the repositioning of a frame with an established size, as described in the revised rejection below.

2. Applicant's arguments with respect to the rejection of claims 1-3 and 5-7 over Sarbadhikari in view of Takemura have been considered but are moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

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invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-3 and 8-11 rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (U.S. Patent No. 6,266,085) in view of Takemura (U.S. Patent No. 6,657,658).

Regarding **claim 1**, Kato discloses:

image pickup unit (in camera 10; see Figure 1) for picking up an image of an object;

a monitor (display unit 22) for displaying an image;

first forming unit (determination-designating unit 28) responsive to a motion image frame forming instruction by an operator (via designating unit 26) for forming a motion image frame (frame 44 in Figure 2) smaller than a monitor frame on said monitor (the frame is moved and resized; see column 6, line 66, through column 7, line 7); and

motion image display unit (display unit 22) for displaying a motion image of said object picked up by said image pickup means in said motion image frame (see column 8, lines 36-43),

said motion image frame being movable on a monitor frame (see column 6, lines 3-11), and a position of the motion image frame on the monitor frame is set separately [from its size and shape] (separate mouse operations are performed to resize and move frame 44; see column 7, lines 25-63; column 9, lines 28-40; and column 10, lines 16-19).

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Kato is silent with regard to forming the motion image frame (its size and shape) by setting a first point in the top left position of the monitor frame and a second point in the bottom right position of the monitor frame, wherein the aspect ratio can be set arbitrarily.

Takemura discloses an imaging device that allows a user to select a portion of a captured image (see Figure 7):

wherein the motion image frame is formed at a first point in the top left position of the monitor frame and a second point in the bottom right position of the monitor frame to form a rectangle (the user moves cursor 22 to a first position P1 and a second position P2 to establish the desired area 25 of the screen; see column 9, lines 38-46); and

wherein an aspect ratio of a motion image frame or through image can be set arbitrarily (the conformance of area 25 to an aspect ratio is not necessary; see column 9, lines 48-51, and column 11, line 66, through column 12, line 3) since a bottom right point with respect to a top left point can be set arbitrarily as long as said bottom right point is below and right to said top left point (inherent by definition of “bottom”, “top”, “left”, and “right”).

An advantage to choosing an upper left corner and a bottom right corner when selecting an area in a captured image is that operation is more intuitive, since English reading is performed left to right and top to bottom. For this reason, it would have been obvious at the time of invention to have Kato's camera prompt the operator for the upper left and lower right corners of the image area to be selected.

Regarding **claim 2**, Kato discloses:

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said first forming unit includes input unit (included via the mouse) for receiving, as inputs, size information of said motion image frame (see column 7, lines 47-55), and

motion image frame forming unit for forming said motion image frame on said monitor based on said size information (see column 7, lines 8-16) and said position information (see column 7, lines 25-42).

Regarding **claim 3**, Kato discloses:

said motion image frame is a rectangle (see frame 44 in Figure 2), said size information includes horizontal size and vertical size of said rectangle (both of which are changed when frame 44 is resized; see column 7, lines 47-53), and said position information includes vertex coordinates of at least one corner of said rectangle (Figure 2 shows that the position of frame 44 is delimited by a four-cornered rectangle, and the locations of the four corners are changed as described in column 7, lines 25-42).

Regarding **claim 8**, Kato discloses:

a recording medium (storage unit 34) for recording an image (see column 8, lines 6-9);

reproducing unit (the circuitry inherently present that controls storage unit 34) responsive to a reproduction instruction by said operator (a user may request that the still image stored in memory be updated and re-read from memory; see column 5, lines 15-18, and column 8, lines 12-19) for reproducing a still image from said recording medium;

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second forming unit (update designating unit 29) responsive to said reproduction instruction for forming a still image frame equal to said monitor frame on said monitor; and still image displaying means (display unit 22) for displaying said still image in said still image frame (see column 8, lines 12-19)..

Regarding **claim 9**, Kato discloses:

said motion image display unit includes motion image synthesizing unit (CPU 32) for synthesizing said motion image with said still image based on said motion image frame forming instruction (live-action frame 44 and still frame 42 may be displayed simultaneously — as shown in Figure 2; see column 8, lines 36-45).

Regarding **claim 10**, Kato discloses:

said first forming unit includes motion image frame moving unit (CPU 32) responsive to a motion image frame moving instruction by said operator for moving said motion image frame (using the mouse described above; see column 7, lines 28-34).

Regarding **claim 11**, Kato discloses:

said reproducing unit includes same still image reproducing unit (CPU 32) for reproducing one same said still image in response to said motion image frame moving instruction (while a user may move live-action frame 44, the still frame 42 in the background image will remain unchanged until the user requests a refresh; see column 8, lines 10-14); and

said motion image frame moving unit includes position information updating unit for updating position information of said motion image frame after said still image is displayed (after a still image is read from memory, the user is free to move live-action frame 44 around the screen; see column 8, lines 12-24).

6. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Takemura and further in view of Shibata (U.S. Patent No. 5,689,300).

Regarding **claim 4**, Kato discloses:

zoom processing unit (CPU 32) for performing reduction zoom processing on said motion image based on said monitor frame and said motion image frame (see column 7, lines 47-54).

However, Kato is silent with regard to displaying a reduced motion image.

Shibata discloses a teleconferencing system with a screen layout such as the one shown in Figure 4(c). This figure shows a still picture received from a remote station displayed simultaneously with a moving image captured by a camera 1 (Figure 1) at the local station. The locally captured image is reduced in size by minor-frame address generator 309, which generates skipped addresses for readout to thin the moving picture data (column 10, lines 12-17).

An advantage to displaying a reduced-size moving image is that more pertinent data may be displayed on a screen while still giving the user a complete view of the image captured by a camera. For this reason, it would have been obvious at the time of invention to have Kato use a moving image reduction system, such as the one described by Shibata.

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7. Claims 5-7, 12, 13, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato in view of Takemura and further in view of Sarbadhikari (U.S. Patent No. 5,477,264).

Claim 5 may be treated like claim 1. However, Kato is silent with regard to recording an image in a motion image frame on a recording medium in response to an operator instruction.

Sarbadhikari discloses a software-enhanced digital camera. As shown in figures 8 and 9, the camera may be provided with a variety of templates that may surround a captured image (see column 10, lines 24-28). Sarbadhikari discloses:

a recording medium (memory card 24) for recording an image; and
first recording unit (interface 26; see column 6, lines 37-40 and 54-56) for
recording an image in said motion image frame on said recording medium in
response to a first recording instruction by said operator (captured image data,
including the data from the user-captured area of viewfinder 29, is stored upon
request; see column 11, lines 9-13).

An advantage to storing an image displayed on a screen as an image file is that a user may view the exact image that is to be stored. This preview prevents undesirable images from being discovered later. For this reason, it would have been obvious at the time of invention to have Kato store an image file representative of a screen-displayed image.

Regarding **claim 6**, Sarbadhikari teaches that image data are stored in image files via interface 26 (column 6, lines 37-40 and 54-56). It is inherent that these files include data from the user-captured area and some type of identifier, as the files would otherwise be useless to the camera.

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Regarding **claim 7**, Sarbadhikari teaches that the camera may store a script that would direct the computer to correctly combine an image file and its associated template upon viewing, rather than storing the combined file (column 11, lines 5-9). Therefore, it is inherent that image size information is stored; otherwise, the template and captured image may not fit as the user specified.

Claim 12 may be treated like claim 9. However, Kato is silent with regard to recording an image in a monitor frame as displayed.

Sarbadhikari discloses a software-enhanced digital camera. As shown in figures 8 and 9, the camera may be provided with a variety of templates that may surround a captured image (see column 10, lines 24-28). Sarbadhikari discloses:

a recording unit responsive to a second recording instruction by said operator for recording an image in said monitor frame on said recording medium (user-captured images may be combined with established templates to create a new file, and image data files are stored in flash EPROM memory card 24 when a user is satisfied with the resulting image; see column 6, lines 54-59, and column 11, lines 5-8).

An advantage to storing an image displayed on a screen as an image file is that a user may view the exact image that is to be stored. This preview prevents undesirable images from being discovered later. For this reason, it would have been obvious at the time of invention to have Kato store an image file representative of a screen-displayed image.

Regarding **claim 13**, Sarbadhikari teaches:

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said recording unit includes second file forming unit for forming a second image file (image data are stored in image files via interface 26; see column 6, lines 37-40 and 54-56) having a second identifier added thereto (it is inherent that these files include data from the user-captured area and some type of identifier, as the files would otherwise be useless to the camera), and second storing unit for storing the image in said monitor frame in said second image file (see claim 12).

Regarding **claim 20**, Kato discloses a camera with an optical system(see Figure 1), including:

image display unit (22) for displaying an image;

setting unit (determination-designating unit 28) for setting, in said image synthesizing mode, a through image display area (frame 44) on a part of a reproduced image displayed by said image display unit (column 5, lines 4-18);

image synthesizing unit for generating said synthesized image by displaying the through image on the through image display area set by said setting unit (frame 44 shows live image data captured by camera 10 in a synthesizing mode; see column 8, lines 36-39); and

said motion image frame being movable on a monitor frame (see column 6, lines 3-11), and a position of the motion image frame on the monitor frame is set separately [from its size and shape] (separate mouse operations are performed to resize and move frame 44; see column 7, lines 25-63; column 9, lines 28-40; and column 10, lines 16-19).

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Kato is silent with regard to forming the through image (its size and shape) by setting a first point in the top left position of the monitor frame and a second point in the bottom right position of the monitor frame, wherein the aspect ratio can be set arbitrarily.

Takemura discloses an imaging device that allows a user to select a portion of a captured image (see Figure 7):

wherein the through image is formed at a first point on the object in the top left position picked up through the optical system and intersecting at a second point on the object in a bottom right position picked up through the optical system to form a rectangle (the user moves cursor 22 to a first position P1 and a second position P2 to establish the desired area 25 of the screen; see column 9, lines 38-46); and

wherein an aspect ratio of a motion image frame or through image can be set arbitrarily (the conformance of area 25 to an aspect ratio is not necessary; see column 9, lines 48-51, and column 11, line 66, through column 12, line 3) since a bottom right point with respect to a top left point can be set arbitrarily as long as said bottom right point is below and right to said top left point (inherent by definition of “bottom”, “top”, “left”, and “right”).

An advantage to choosing an upper left corner and a bottom right corner when selecting an area in a captured image is that operation is more intuitive, since English reading is performed left to right and top to bottom. For this reason, it would have been obvious at the time of invention to have Kato's camera prompt the operator for the upper left and lower right corners of the image area to be selected.

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Kato is silent with regard to using a digital camera with a recording mode and means and a reproducing mode.

Sarbadhikari teaches that user-captured images may be combined with established templates in a digital camera to create a new file, as shown in figures 8 and 9 (column 11, lines 5-8). Image data files are stored in flash EPROM memory card 24 (column 6, lines 54-59) when a user is satisfied with the resulting image. Images stored on memory card 24 may be browsed by the user (column 10, lines 58-63).

An advantage to storing images on a recording means and later reproduced is that images may be viewed and used at a later time without the need for separate viewing equipment. For this reason, it would have been obvious at the time of invention to have Kato's system include an image recording mode and means and a reproducing mode, such as those described by Sarbadhikari.

Regarding **claim 21**, Kato discloses:

said setting means includes drawing unit (determination-designating unit 28) for drawing an outer frame of the through image display area of a desired size at a portion of the reproduced image displayed by said image display unit (manipulation of live-action frame 44 may occur may using determination-designating unit 28 to designate an image area; see column 5, lines 4-18), and position adjusting unit (designating units 24 and 26) for adjusting the position of the outer frame of the through image display area drawn by said drawing unit (see column 8, lines 10-14).

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Allowable Subject Matter

8. Claim 22 is allowed.

No prior art could be located that teaches or fairly suggests a camera with a resizable frame designation that changes color when the user sizes it to a prescribed ratio.

Conclusion

9. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Whipkey, whose telephone number is (703) 305-1819 or

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(571) 272-7321 beginning March 1, 2005. The examiner can normally be reached Monday through Friday from 8:30 A.M. to 6:00 P.M. eastern standard time, alternating Fridays off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber, can be reached at (703) 305-4929. The fax phone number for the organization where this application is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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February 2, 2005


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